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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/975,907

10/12/2001

Lyle Berman

1153

7590

08/28/2002

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EXAMINER

RADA, ALEX P

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 08/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/975,907

Applicant(s)

BERMAN, LYLE

Examiner

Alex P. Rada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 June 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2,3 and 5-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,3 and 5-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Amendment***

In response to the amendment filed June 5, 2002, in which the applicants provide drawing corrections, cancels claims 1, 4, and 37, amends claims 2, 5, 6, 10, 11, 12, 19, 27, and 36, and claims 2-3 and 5-36 are pending in this office action.

### ***Drawings***

1. The corrected or substitute drawings were received on June 5, 2002. These drawings are acceptable.

### ***Claim Objections***

2. Claim 12 is objected to because of the following informalities: In claim 12 (b) is missing a period. Appropriate correction is required. The examiner notes this is the second notice.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 27 and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 27 recites the limitation "the automatic shuffling machine" in lines 1 & 2. There is insufficient antecedent basis for this limitation in the claim.

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Claim 36 recites the limitation "the roulette wheel " in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-3, 5, 10, 12-15, 19-20, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scarne's Encyclopedia of Games (Card Craps) in view of Aldridge '353 and Grauzer '096.

7. Scarne discloses at least one set of numerically numbered cards and placing a wager on at least one statistical event associated with the random generation of dice rolls according to the set of rules base on statistical odds as recited in claims 2 and 12-13. Scarne does not expressly at least one set of a plurality of numerically numbered cards having a first and second set of cards as recited in claim 2. The at least one statistical event is a traditional craps game as recited in claim 3. The first and second set of cards represent possible outcome with a first and second dice having at least 6 sides as recited in claim 5. The dice rolls having results between the predetermined minimum and maximum are generated by repeatedly shuffling either two sets of six cards numbered one through six, or one set of 36 cards representing all the rolls of the set of dice as recited in claim 10. At least two separate cards for determining the random number as recited in claim 15. The dealing form the first and second set of numbered cards to that the total of the two cards comprise a random number as recited in claim 19. The first and second set of cards represents the numbers possible on the first and

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second dice having six sides as recited in claim 20. The numerically numbered cards being repeatedly shuffling cards representing all of the potential outcomes of a roll of a set of two six sided dice numbered one through six as recited in claim 25. Aldridge teaches at least one set of a plurality of numerically numbered cards having a first and second set of cards, the first and second set of cards represent possible outcome with a first and second dice having at least 6 sides, the dice rolls having results between the predetermined minimum and maximum are generated by repeatedly shuffling either two sets of six cards numbered one through six, or one set of 36 cards representing all the rolls of the set of dice, at least two separate cards for determining the random number, the dealing from the first and second set of numbered cards to that the total of the two cards comprise a random number, the first and second set of cards represent the numbers possible on the first and second dice having six sides, and the numerically numbered cards being repeatedly shuffling cards representing all of the potential outcomes of a roll of a set of two six sided dice numbered one through six. By having card indicia representing numbered die, one of ordinary skill in the art would be able have a new look to an old game. Scarne and Aldridge both do not disclose an automatic dealing means for randomly shuffling and dealing cards. Grauzer teaches an automatic dealing machine. By having an automatic dealing machine to an old or existing card game, one of ordinary skill in the art would be to provide an electromechanical playing card handling apparatus for automatically and randomly generating a continuous supply of shuffled playing cards for dealing. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention was made to modify Scarne to include at least one set of a plurality of numerically numbered cards having a first and second set of cards, the first and second set of cards represent possible outcome with a first and second dice having at least 6 sides, the dice rolls having results between the predetermined minimum and maximum are generated by repeatedly shuffling either two sets of six cards numbered one

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through six, or one set of 36 cards representing all the rolls of the set of dice, at least two separate cards for determining the random number, the dealing form the first and second set of numbered cards to that the total of the two cards comprise a random number, the first and second set of cards represent the numbers possible on the first and second dice having six sides, and the numerically numbered cards being repeatedly shuffling cards representing all of the potential outcomes of a roll of a set of two six sided dice numbered one through six as taught by Aldridge and combined with an automatic dealing machine as taught by Grauzer. To do so would be able to facilitate and speed the play of a casino wagering game, particularly those games having multiple decks of cards or rapid play games (such as twenty-one or black jack), or making the game more exciting for the players.

8. Claims 6-9, 16-18, 21-24 and 26-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scarne's Encyclopedia of Games (Card Craps), Aldridge, and Grauzer as applied to claims 2, 5, 10, 12, 15, 19, 20, and 25 above, and further in view of Moore, Jr. '463.

9. Scarne in view of Aldridge and Grauzer discloses the claimed invention as discussed above except for at least one special card, which represent an object other than a number between the predetermined minimum and maximum as recited in claims 6 and 21. The special card providing a bonus to the player as recited in claims 7 and 22. The bonus is from a group consisting of 1) allowing the player to pick any number from at least one number between the predetermined minimum and maximum for the value of the special card, 2) providing a multiple payout, 3) providing a special payout not related to a wager on the occurrence of the special card, 5) triggering an event to select an additional play, and 6) triggering an event to select an additional amount as recited in claims 8 and 23. The special card also bears a number between the predetermined minimum and maximum as recited in claims 9 and 24. The maintaining and displaying a list of at least two of the random numbers as recited in claims 16 and 17. Dealing to a plurality of spaces,

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allowing at least one player to selecting on of a plurality of spaces, displaying the card in the at least one space selected to obtain a number as recited in claim 18. The dealing at least one of a plurality of random numbered cards from a possible outcome of two dice with six sides and accepting a wager with a payout based on the rules from a game traditional game of craps as recited in claim 26. The dealing means randomly selects a card from the multiple decks as recited in claim 27. Moore, Jr teaches at least one special card (50), which represent an object other than a number between the predetermined minimum and maximum, the special card providing a bonus to the player, the bonus is from a group consisting of 1) allowing the player to pick any number from at least one number between the predetermined minimum and maximum for the value of the special card, 2) providing a multiple payout, 3) providing a special payout not related to a wager on the occurrence of the special card, 5) triggering an event to select an additional play, and 6) triggering an event to select an additional amount, the special card also bears a number between the predetermined minimum and maximum (figures 3 and 7), the maintaining and displaying list of at least two of the random numbers (column 14, lines 22-31), dealing to a plurality of spaces, allowing at least one player to selecting on of a plurality of spaces, displaying the card in the at least one space selected to obtain a number, the dealing means randomly selects a card from the multiple decks, repeating steps a and b until a terminating event occurs to allow a multiple outcome wager on multiple selected outcomes and maintaining record of at least one of the plurality of numbers selected, repeating steps a and b until a terminating event occurs to allow a multiple outcome wager on multiple selected outcomes and maintaining record of at least one of the plurality of numbers selected, the terminating event is the generation of at least one target number, at least two separate numbers for determining a total and maintaining a list of the totals and allowing at least one wager for wagering on the existence of totals of specific numbers between the predetermined minimum and maximum before the terminating

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event, dealing a plurality of cards to a plurality of locations for receiving the cards from the dealing means and selecting at least one first card location from the plurality of card locations and using the card in the first card as the at least one of a plurality of numbered cards, marking the value of the cards on the cards, electronically examining the cards to locate the marking, displaying the value, and maintaining a record of the value, notifying the user when the record of values provides for a winning result on a wager, comparing the record and notifying the user with the winning result only when a wager is winning wager, and a random number from a possible outcome of two dice with six sides and accepting a wager with a payout based on the rules from a game traditional game of craps. By having a wild card, one of ordinary skill in the art would be able to increase a game players chance at a bigger payout. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention was made to modify Scarne (Card Craps) to include at least one special card (50), which represent an object other than a number between the predetermined minimum and maximum, the special card providing a bonus to the player, the bonus is from a group consisting of 1) allowing the player to pick any number from at least one number between the predetermined minimum and maximum for the value of the special card, 2) providing a multiple payout, 3) providing a special payout not related to a wager on the occurrence of the special card, 5) triggering an event to select an additional play, and 6) triggering an event to select an additional amount, the special card also bears a number between the predetermined minimum and maximum, the maintaining and displaying list of at least two of the random numbers, dealing to a plurality of spaces, allowing at least one player to selecting on of a plurality of spaces, displaying the card in the at least one space selected to obtain a number, the dealing means randomly selects a card from the multiple decks, repeating steps a and b until a terminating event occurs to allow a multiple outcome wager on multiple selected outcomes and maintaining record of at least one of the plurality of



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numbers selected, repeating steps a and b until a terminating event occurs to allow a multiple outcome wager on multiple selected outcomes and maintaining record of at least one of the plurality of numbers selected, the terminating event is the generation of at least one target number, at least two separate numbers for determining a total and maintaining a list of the totals and allowing at least one wager for wagering on the existence of totals of specific numbers between the predetermined minimum and maximum before the terminating event, dealing a plurality of cards to a plurality of locations for receiving the cards from the dealing means and selecting at least one first card location from the plurality of card locations and using the card in the first card as the at least one of a plurality of numbered cards, marking the value of the cards on the cards, electronically examining the cards to locate the marking, displaying the value, and maintaining a record of the value, notifying the user when the record of values provides for a winning result on a wager, comparing the record and notifying the user with the winning result only when a wager is winning wager, and a random number from a possible outcome of two dice with six sides and accepting a wager with a payout based on the rules from a game traditional game of craps as taught by Moore, Jr. To do so would increase the odds of game players winning a substantial payout.

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scarne's Encyclopedia of Games (Card Craps).

11. Scarne discloses at least one set of numerically numbered cards, a first wager location for accepting a wager on at least one statistical event, a location for receiving and displaying at least one of the plurality of numerically numbered cards, a dealing means for dealing at least one of the cards randomly, and a plurality of card locations for receiving a plurality of cards from the dealing means (pg. 319-321) as recited in claim 11. Scarne does not expressly disclose a user selection location for a user to select at least one first card location from the plurality of card locations as the location for

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the at least one card to be used to determined the random number. By having a designated selection area, one of ordinary skill in the art would be able to provide a visible section were everyone can observer the action taking place. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention was made to designate a particular area on a game table to allow all of the participants to witness in an action taking place.

12. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson '384 in view of Howard '367.

13. Robinson discloses a roulette game wherein at least one deck of cards containing the number corresponding to the numbers on the dice that are replaced (column 2, lines 27 – 41). Robinson does not expressly disclose the roulette wheel being replaced with a dealing machine. Howard teaches a dealing machine. By having a dealing machines in place of a roulette wheel, one of ordinary skill in the art to have a continuous excitement of a game without any down time. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention was made to modify Robinson to include a dealing machine as taught by Howard. To so do so would be able to provide an automatic card shuffling apparatus for selecting a group of cards at random from a card stack.

#### ***Response to Arguments***

14. Applicant's arguments with respect to claims 2-3 and 5-36 have been considered but are moot in view of the new ground(s) of rejection.

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*Conclusion*

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Breeding '189, '014, and '373 discloses a machine for shuffling multiple decks of playing cards including a first vertically extending magazine for holding a stack of un-shuffled playing cards.

Trilli '355 discloses an apparatus for holding a plurality of shoes each of which contain a deck of playing cards.

Makovic '012 discloses a combination card and dice game having a quantity of chips, a deck of cards and a pair of dice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 703-308-7135. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

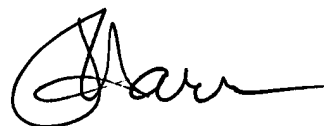
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Alex P. Rada  
Examiner  
Art Unit 3713

APR  
apr  
August 21, 2002



JESSICA HARRISON  
PRIMARY EXAMINER